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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/050,113	03/30/1998	TAIJI EMA	980446	6454

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EXAMINER

WARREN, MATTHEW E

ART UNIT	PAPER NUMBER
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2815

DATE MAILED: 10/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/050,113

Applicant(s)

EMA, TAIJI

Examiner

Matthew E. Warren

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 12, 14 and 36 is/are pending in the application.
- 4a) Of the above claim(s) 15-34 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 4, 12 and 14 is/are allowed.
- 6) ☒ Claim(s) 2, 3, 5-8 and 36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This Office Action is in response to the Amendment filed on June 26, 2002.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claim 36 is rejected under 35 U.S.C. 102(e) as being anticipated by Fukase (US 5,728,596).

Fukase shows (figure 2G) a semiconductor device in which a first conducting film (4a) of a gate electrode formed on a substrate and having two conductor patterns adjacent to each other. An etch stop layer of silicon nitride (7) is formed on the gate electrode two cover the two patters. A first insulating film (13) is formed over the etch stop layer and a contact hole (15) is formed in the insulating film between the two gate

structures. The hole reaches the base substrate and an end of the hole is positioned on the etching stopper film. First and second sidewall insulation films (17' and 17) are formed on an inner wall of the insulation film, on the side of the gate conductor patterns (4a and 4), and on each side of the etch stopper film in the contact hole. The end of the contact hole is defined by four sides including a first pair of sides which are opposed to each other (sides of the gate) and a second pair of sides which are opposed to each other (sides of the insulation film on top of the etch stop film). The first pair of sides is defined by the conductor patterns and the second pair of sides is defined by the first insulation film.

Claims 2, 3, 7, and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Hosotani et al. (US 5,977,583).

Hosotani et al. shows (figs. 6, 13, 16) a base substrate (11), a first conducting film (15) formed over the base substrate and including a plurality (19) of conductor patterns adjacent to each other, and an etching stopper film (17) covering an upper surface of the conductor patterns. A contact hole is located in a part of a region (where poly 25 fills the hole) between the adjacent conductor patterns and having an end defined by the conductor patterns. A first insulation film (22) fills spaces between the conductor patterns where the contact hole is not formed and does not extend over the etching stopper film. A sidewall insulation film (21) is formed on an inner wall of the contact holes so that side walls of the conductor pattern and the etching stopper film are covered. A plurality of contact holes are formed adjacent to each other with the

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conductor patterns therebetween. A second conducting film (28) is formed on the first insulation film and connected to the base substrate in the contact hole. The etching stopper film is formed only in a region where the first conducting film intersects the second conducting film. The sidewall insulation film is formed of a silicon nitride which has etching characteristics equal to those of the etching stopper film because the etching stopper film is also made of silicon nitride (col. 8, lines 20-46).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hosotani et al. (US 5,977,583) as applied to claim 2 above, and further in view of Fukase (US 5,728,596).

Hosotani et al. shows all of the elements of the claims except the second insulation film on the conductor pattern. Fukase shows (figs. 2A and 2G) a second insulation film (6) of silicon oxide, which is known to have a lower dielectric constant than the silicon nitride etch stop layer (7), formed between the first conducting film and the etching stopper film. It is known in the art that an etching stopper could also be formed of a conducting film. The second insulation film is provided as a buffer between the etching stopper and the first conducting film (col. 5, lines 43-54). Therefore it would

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have been obvious to one of ordinary skill in the art at the time the invention was made to modify the gate of Hosotani by adding an oxide layer between an the etching stopper layer and the first conducting film to provide a buffer between them.

Allowable Subject Matter

Claims 1, 4, 12 and 14 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art references do not show a sidewall insulation film formed on inner walls of the first insulation film, each sidewall of the two conductor patterns, and each side wall of the etching stopper film in the contact hole wherein each of the etching stopper films is completely covered by the first insulation film and the respective sidewall insulation films. The prior art also does not show a plurality of bit lines formed over the first insulation film and extended in a second direction, an etching stopper film covering upper surfaces of the bit lines and a second insulation film filling spaces between the plurality of bit lines where the contact hole is not formed, wherein the second insulation film does not extend over the etching stopper film.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Response to Arguments

Applicant's arguments with respect to claims 12 and 14 have been considered but are moot in view of the new ground(s) of rejection.

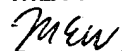
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew E. Warren whose telephone number is (703) 305-0760. The examiner can normally be reached on Mon-Thurs, and alternating Fri, 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie Lee can be reached on (703) 308-1690. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3432 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

MEW



September 28, 2002



EDDIE LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800